

REMARKS

Claims 1-20 were pending in this application, including independent claims 1, 11, and 13-15. Claims 15-20 were withdrawn pursuant to a restriction requirement.

The Examiner objected to the title as non-descriptive and recommended amending the title to be: "Audio Device Capable of Playing Back Audio Files From A Plurality of Sessions." Applicant appreciates the Examiner's suggestion and has amended the title accordingly.

Claims 1-4, 9, 11 and 13 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,587,404 ("Keller"). Claims 5-8, 10, 12 and 14 were rejected under 35 U.S.C. § 103(a) as being obvious over Keller.

Keller describes a compact disc recording device that stores a music library of sound tracks and includes a means for selecting sound tracks to be recorded onto a compact disc (e.g., Abstract). However, the recording device can also function as a player to play back a selected sound track (e.g., col. 4, lines 40-47; col. 12, lines 37-55; col. 24, lines 55-59). This latter functionality is the aspect of Keller that is relied on by the Examiner.

Keller's recording device includes a digital display 46 as shown, for example, in Fig. 7. Among other things, the display 46 can display a session name 200 and a track number 214 within the session (col. 15, lines 1-14).

A session is typically a group of sound tracks which have been previously assigned to that particular session (col. 15, line 68 to col. 16, line 2). Thus, a session can be formed by adding (or deleting) sound tracks at the time and option of the user. Fig. 8 is an example of the display 46 when the button 61 is pushed to display a list of sound tracks in a session (col. 16, lines 3-15). Pressing the button 59 in this state causes a highlighted sound track in the session to be deleted from that session (col. 16, lines 51-53). On the other hand, a sound track that appears in a master sound track list on the recording device can be selected and added to a particular session. Fig. 9 shows a master list 234 of sound tracks and a selection menu 236 which provides the

user with navigation and editing functions (col. 16, line 60 to col. 17, line 2). A user can select a desired sound track from the master list and instruct the device to add the selected sound track to a particular session that has already been selected (col. 17, lines 10-18). Alternatively, a sound track may be recorded directly from an external source into a previously selected session (col. 18, line 66 to col. 19, line 37).


Initially, Applicant notes that independent claims 1, 11, 13, and 14 all refer generally to a “recordable medium” on which track files are recorded, and the Examiner finds this element in the data storage structures 106 of Keller. Applicant has amended independent claims 1, 11, 13 and 14 to further describe the recordable medium as an optical disk or a CD-R. The Keller apparatus, however, performs the relevant auditioning or playback of sound tracks from the data storage structures 106 and not from the CDs. Applicant submits that the Examiner is incorrect in stating (regarding claim 9) that Keller shows that its recordable medium is a CD-R. The passage relied on by the Examiner (col. 12, lines 37-55) refers to the data storage structures 106 and the CD as different things. Moreover, Keller states that the data storage structures 106 should be “solid state” types of memory (col. 9, lines 24-33), thereby teaching away from the use of an optical disk as a data storage structure 106.

Applicant also has amended the independent claims to clarify that the optical disk (or CD-R) contains at least one session, where a session is formed each time writing is performed and includes one or more track files (see, e.g., application at pg. 2, lines 20-21; pg. 4, lines 13-18). Keller, on the other hand, does not describe or suggest a relevant recordable medium in which the sessions are defined by the times that writing is performed.

Further, claim 11 recites that each session is regarded as a virtual disk, and Applicant has amended the claim to add the feature that a session can be selected manually by a user by operating a next-disk key or previous-disk key of the audio device (see, e.g., application at pg. 5, lines 21-23, 29-31). This further distinguishes over Keller, which does not at all describe such a feature.

In summary, Applicant submits that the claims, as amended, patentably distinguish over the cited art. Therefore, Applicant respectfully requests reconsideration and allowance of this application in view of the foregoing amendments and remarks.

Respectfully submitted,


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